



**State of Vermont  
Policy, Planning & Intermodal Development Division  
Policy, Planning and Research Bureau  
Development Review & Permitting Services Section**

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*Agency of Transportation*

December 8, 2015

Federal Highway Administration  
Matthew Hake, Division Administrator  
Federal Building – PO Box 568  
Montpelier, VT 05601

Subject: West Rutland, US4 and Boardman Hill Road  
Request for Break in the Limited Access Highway

Dear Mr. Hake:

The Agency of Transportation has received a formal request from the Town of West Rutland to construct a break in the US4 limited access highway right-of-way adjacent to the Exit 6 eastbound off-ramp in West Rutland. This access would not be directly connected to US4 or the ramp but rather the intersecting town highway, Boardman Hill Road (TH5). The purpose of this request is to provide access to the Town of West Rutland's recreation area which is located between Boardman Hill Road (TH5) and Fairview Ave (TH45).

In a memo dated April 13, 2015, the Agency's Permitting Services Section distributed supplemental documentation provided by the Town to support their request; this information was distributed to inter-Agency Division and Bureau Chiefs and FHWA to assess the Agency's position on the access request. This information included the applicant's cover letter and traffic analysis, existing and proposed plan, the Town of West Rutland's Recreation Area Master Plan, the State highway right-of-way plan and the town highway map. Cited in the Town's cover letter are the proposed benefits of this request which includes,

- a safer alternative to access to the Town's recreation area. Currently access to the facility is by way of Fairview Ave (TH45) which passes through a small residential neighborhood with the road terminus following a narrow and circuitous route to the recreation field;
- provides for quicker access to first responders and emergency service vehicles;
- provides both a safer and more accessible access to the fire hydrant at the base of Boardman Hill Road that is currently located behind guardrail;
- provides a more direct and quick access to the Town's water supply system, located within the recreation area.

As part of this request, the Town also proposes to eliminate the access across the road from the new proposed access. This access, also located within the limited access highway, was previously approved by the Federal Highway Administration (FHWA) for the purpose of providing a pumping area from the Clarendon River for fire protection vehicles. With the installation of a fire hydrant across the road, this pumping area is no longer needed.

Pursuant to the *Stewardship and Oversight Agreement between the Federal Highway Administration – Vermont Division and the State of Vermont Agency of Transportation*, dated May 18, 2015, approval for disposal of access control [23 CFR 710.409] within the Interstate and Controlled-Limited Access right-of-way requires the approval of FHWA. **The Agency is hereby requesting FHWA's approval based on:**

1. It is in the public interest. The proposed access break described above is located at approximate L.S. TR5 15+60 LT on the Agency's project plans entitled, West Rutland-Rutland F 020-1(10) - a copy of this plan and all supplemental documents provided by the Town is attached for your information. [23 CFR 1.23]
2. The new access break will not impair the highway or interfere with the free and safe flow of traffic thereon. [23 CFR 1.23]
3. It is in the public interest for social use to dispose at less than fair market value. [23 CFR 710.403(d)(1)]

*Please note: The disposal deed will provide for reversion of the property for failure to continue public ownership and use. [23 CFR 710.409(d)]*

In addition, the Agency will also be submitting under separate cover, a request to dispose of land originally acquired for same said project, West Rutland-Rutland F020-1(10), to support the expansion of the recreation area as shown in Town of West Rutland Recreational Area Master Plan (2012). Included in this request will also be a portion of lands which fall under Boardman Hill Road, a town highway fully maintained by the municipality.

If you need additional information pertaining to this request, or have any questions, please do not hesitate to contact Theresa Gilman at (802) 828-2473.

Sincerely,



Craig S. Keller, P.E.  
Chief of Permitting Services  
Permitting Services Section

Attachments

**APPROVED:**

\_\_\_\_\_  
Matthew Hake, FHWA Division Administrator - Vermont

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Date:

cc: Mark Richter, Federal Highway Administration – Vermont Division  
Kenneth Sikora, Federal Highway Administration – Vermont Division  
Chris Cole, Secretary, Vermont Agency of Transportation  
Rich Tetreault, Deputy Secretary, Vermont Agency of Transportation  
Andrea Wright, VTrans Environmental Section  
Rob White, VTrans Chief of Right-Of-Way, Utilities & Survey  
Rob Faley, District Transportation Administrator #3, Vermont Agency of Transportation